

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CHARLES WILHITE)
 Plaintiff,)
 v.) 14-CV-30023-MAP
)
ANTHONY PIOGGIA and,)
STEVEN TATRO in their)
individual capacities,)
 Defendants.)

ORDER RE: MOTION FOR SUMMARY JUDGMENT
(Dkt. No. 77)

June 9, 2016

PONSOR, U.S.D.J.

For the reasons stated in open court, Defendants' Motion for Summary Judgment (Dkt. No. 77) is denied. The Defendants' legal arguments are unpersuasive, and pivotal facts remain in dispute. The case will be referred to Magistrate Kenneth P. Neiman for mediation to take place as soon as Judge Neiman's schedule permits. Pending mediation, counsel agree to hold off on expert depositions. If a modest extension of the existing July 31 deadline for these is needed, counsel may apply for an extension.

Counsel should notify the court promptly if mediation is successful. If it is unsuccessful, the case will be set for a final pretrial conference in the early fall, with

trial to follow before the end of the year. Counsel estimate that the case will require approximately two weeks to try.

It is So Ordered.

/s/ Michael A. Ponsor

MICHAEL A. PONSOR

U. S. District Judge